

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF  
WASHINGTON AT SEATTLE

T-SCAN CORPORATION, a Washington  
corporation,

Plaintiff,

v.

BPA TECHNOLOGIES, a California  
corporation

Defendant.

No. C10-470 MJP

**VERDICT FORM**

We, the jury, answer the questions submitted by the court as follows:

- 1) Has T-Scan proved that Defendant BPA Technologies materially breached the contract?

Yes No

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*INSTRUCTION: If you answered "yes," proceed to Question 2. If you answered "no," proceed to Question 5.*

- 2) Has BPA Technologies proven that an affirmative defense excuses its breach, with all of you agreeing on the same affirmative defense?

Yes No

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*INSTRUCTION: If you answered "yes," proceed to Question 3. If you answered "no," proceed to Question 4.*

3) Which were the affirmative defense(s) that you all agreed upon?

a. Did T-Scan fail to mitigate damages?

Yes \_\_\_\_\_ No ✓

b. Did T-Scan either through its conduct or words, waive the requirement that BPA deliver the software, or portions thereof, by a particular date?

Yes ✓ No \_\_\_\_\_

c. Did T-Scan take unjustified action which prevented BPA's performance of its obligations?

Yes \_\_\_\_\_ No \_\_\_\_\_

d. Did T-Scan fail to exercise good faith in performing its obligations under the agreement?

Yes \_\_\_\_\_ No \_\_\_\_\_

*INSTRUCTION: If you answered "yes" to any of the above sub-parts, skip Question 4 and proceed to Question 5.*

4) What were T-Scan's damages from the breach?

\$ \_\_\_\_\_

*INSTRUCTION: Continue to Question 5.*

5) Has BPA Technologies proved that T-Scan materially breached the contract?

Yes \_\_\_\_\_ No ✓

*INSTRUCTION: If you answered "yes," proceed to Question 6. If you answered "no," sign and date this verdict form.*

|| Shawn C. Trustee  
||

9/16/11

1 6) What were BPA Technologies' damages from the breach?

2 \$ \_\_\_\_\_

3 *INSTRUCTION: Sign this verdict and notify the bailiff.*

4 DATE: \_\_\_\_\_

5 \_\_\_\_\_  
6 Presiding Juror